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**UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING**

STATE OF WYOMING, et al.,)	2:15-CV-00043-SWS [Lead]
)	
Petitioners,)	[Consolidated With 2:15-CV-00041]
)	
v.)	Assigned: Hon. Scott W. Skavdahl
)	
UNITED STATES DEPARTMENT OF)	
THE INTERIOR, et al.)	
)	
Respondents,)	RESPONDENT-INTERVENORS'
)	RESPONSE TO FEDERAL
SIERRA CLUB, et al.,)	RESPONDENTS' MOTION TO
)	BIFURCATE AND EXPEDITE BRIEFING
Respondent-Intervenors.)	ON LEGAL AUTHORITY

Respondent-Intervenors (collectively the “Citizen Groups”) share the same goal sought by the Federal Respondents (collectively, “BLM”) in BLM’s Motion to Bifurcate and Expedite Briefing on Legal Authority (the “Motion”). Both BLM and the Citizen Groups aim to “resolv[e] the legal authority issue quickly and with finality.” Dkt # 155 at 2 (BLM’s Motion).

The Citizen Groups oppose BLM’s Motion, however, because that goal will be reached more directly and efficiently by granting the Citizen Groups’ motion for final judgment or a stay pending appeal. Dkt # 143. Neither BLM nor Petitioners offer any basis to expect that further briefing will lead this Court to reconsider and reverse its ruling, based on a detailed legal analysis, that BLM lacks authority to adopt the challenged regulation. See Dkt # 130 at 8-22, 50-53. As such, there appears to be little benefit from re-litigating that purely legal question in this Court. Proceeding directly to the Tenth Circuit, as the Citizen Groups propose, will be a more efficient use of the Court’s and parties’ resources.

However, it is important to note that Petitioners’ responses to BLM’s Motion are strikingly inconsistent with their opposition to the Citizen Groups’ request for final judgment or a stay. In their response to BLM, Petitioners suggest this “entire case [can be] submitted to the Court on or about April 18, 2016” for a final decision based on merits briefing. Dkt # 167 at 6 (Industry Petitioners’ response); see also Dkt # 163 at 3 n. 1 (State Petitioners’ response asserts that expedited briefing under Local Rule 83.6 will apply). But in response to the Citizen Groups’ motion, Petitioners argued just the opposite. They signaled that further disputes over the administrative record can be expected after BLM files additional documents on January 19, 2016. See Dkt # 138-1 at 14. Petitioners also plan to pursue “a course of discovery” and even seek a “trial on the merits.” Dkt # 153 at 1.

Given Petitioners' expressed desire to draw out litigation in this Court on administrative record and discovery matters, and to pursue a trial on the merits, protracted litigation in this Court can be expected if the Citizen Groups' and BLM's motions are denied.

Dated: December 14, 2015

s/Michael S. Freeman
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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December 2015 a copy of the foregoing
**RESPONDENT-INTERVENORS' RESPONSE TO FEDERAL RESPONDENTS'
MOTION TO BIFURCATE AND EXPEDITE BRIEFING ON LEGAL AUTHORITY** was
electronically filed with the Clerk of the Court using the CM/ECF system, which will send
notification of such filing to all counsel of record.

/s/ Michael S. Freeman